

## SUPREME COURT CENSURES SIMS FOR FALTIN FIASCO

Hoping to Find Prison  
Head Acted in Good  
Faith, Tribunal Takes the  
Contempt Case Under Ad-  
visement Yesterday

### DECISION TO STOP ANY FURTHER ERROR

Construction of Law to Be  
Explicit, Believed; Sims  
Answer Frankly Held to  
Be Insufficient in Crowd-  
ed Court

Whatever the supreme court may finally do in the matter of the contempt proceedings against Superintendent Robert B. Sims of the state prison for permitting the wife of executioner William Faltin, the murderer to expire without service, the court left no doubt of its stern disapproval of the act of the superintendent. At the close of a hearing lasting a little more than an hour yesterday morning, of the application of Attorney General Jones for the citation of the superintendent for contempt, the court announced that the matter would be taken under advisement.

It is believed that the court will hand down a written opinion in which there will be an interpretation of the law, so plain that the superintendent cannot err again. At the close of the hearing, the superintendent inquired whether his further presence was necessary. He said his business at the institution was urgent as preparation must be made for the hanging of Villalobos next Friday. The superintendent was told that he might go and that if he was required by the court later, he would be sent for.

After a brief statement by Assistant Attorney General Hardy when the court was called to order at ten o'clock yesterday morning, George J. Stoneman, attorney for Mr. Sims presented a return to the summons in which he asked for the dismissal of the writ, insinuating that the superintendent had not violated the law and had therefore not been in contempt. Mr. Stoneman read among other things a letter from the attorney general to the superintendent in the case of William Kermen, in which he suggested the investigation of Kermen as to his mental condition. This, said Mr. Stoneman, was a precedent and a warrant to the superintendent to do what he had done in the Faltin case.

The superintendent, said Mr. Stoneman, had been placed in a most difficult position. The responsibility was a weighty one. He was torn between his duty to execute the writ and his duty to observe the law as it applied to condemned prisoners.

At this point, the court which had been listening with evident impatience to the citation of the California case, brushed it aside. It was not a question of law before the court, said Justice Franklin. The question was whether the superintendent had acted in good faith and thereafter the issue was confined to that one thing, the genuine belief of the superintendent that Faltin was insane. Mr. Stoneman said that he could offer only the affidavit of the superintendent, constituting a part of the return of that point. He argued that the superintendent had observed Faltin for some time; Dr. Randall, the prison physician had had him under observation and then, on November 25 on the joint opinion of Dr. Randall and Dr. O. E. Frick of Phoenix, the superintendent believed Faltin to be insane and took steps to bring him to an investigation as provided for in paragraph 1141 of the penal code.

(Continued on Page Two)

## Must Stand Trial For Trading With An Enemy

[Republican A. P. Leased Wire]  
LONDON, Dec. 2.—Edward Weimacht, former European manager for the Adams Express company and who assisted in the organization of the Sutherland International Dispatch, with offices in New York and London, was committed for trial today on a charge of "trading with an enemy." Bail of \$5000 was allowed.

Weimacht, who is an American citizen from Elizabeth, N. Y. was arrested October 22, at the London office of the Sutherland International Dispatch. He

## FALTIN SANITY CASE MAY BE HEARD HERE

Before Judge Stanford of the superior court takes up the matter of resentencing William Faltin to death this morning, it will be suggested that the measure be changed, in order that the hearing on the condemned man's alleged sanity be held in Maricopa county, instead of in Pinal, where such a hearing has been arranged before Judge Eschigne. That Faltin is subject to the authority of no court except Maricopa county's, in which he was convicted, is a conjecture that was greatly strengthened yesterday morning by an intimation of Chief Justice Henry D. Ross of the state supreme court during the Sims contempt hearing. Judge Ross intimated that, with the expiration of the time for his execution, the prisoner became subject only to orders of the court of his conviction. Apparently the order bringing the murderer here for resentencing takes precedence over that of the Pinal court setting a date for the trial as to his mental condition.

Attorney General Jones said yesterday that Faltin was brought here not so much to make him available for resentencing at 9:30 this morning, as to prevent his liberation under habeas corpus proceedings.

A decidedly startling twist was discovered in the legal tangle about Fal-

tin, when it became known that, after four p. m. November 26, the time set for his execution having expired, Faltin was legally a subject for liberation. Any one who might have asked it under habeas corpus proceedings. It was, therefore, partly to retain the person of the murderer in custody rather than in the "merit" that Mr. Jones secured the cooperation of the Maricopa county court to bring him to Phoenix.

The question of Faltin's insanity having been raised, the subject may be in law, considered insane until proof is made of his sanity. This raises the question of "Who will proceed to prove Faltin's sanity?"

On December 12, a regular jury of the Pinal county court will be called, and Judge Eschigne, who was here yesterday, said that he would give the matter of the alleged insanity of Walter Kermen the precedence on his calendar. Before December 12, however, the board of prisoners and paroles must, and probably will, recommend Kermen for a further term. He has already been reprieved to the tenth, but this was done with the understanding that Warden Sims would notify the court in time for a hearing to have been held during the term concluded on November 19.

## REPUBLICANS OF HOUSE MAKE ORGANIZATION

[Republican A. P. Leased Wire]  
WASHINGTON, Dec. 2.—Republican members of the house effected their minority organization for the next congress tonight, with Representative Mann of Illinois as their candidate for speaker and then gain minority leader. The 140 representatives present acted unanimously except in one instance when Representative Cooper of Wisconsin protested unsuccessfully against the adoption of a resolution authorizing Mr. Mann to select all republican members of committees.

Mr. Cooper attacked the policy of vesting in any one person the power of naming republican committeemen and referred to the rules fight in the house some years ago. Representative Cannon of Illinois, who at speaker was short of some powers by that fight, was persuaded not to reply by colleagues who sought to avoid a discussion.

Representative Mann, in a speech accepting his nomination, spoke of having been invited to confer with President Wilson about national defense.

"I think it would be well," he said, "for these matters to be considered in the military and naval committees from a non-partisan standpoint, provided the members are willing to work on even terms with the republicans, calling in experts who know, but I do not think that any one should expect the president should prepare a program in advance, send it down to the democrats to swallow and then ask the

(Continued on Page Six)

## CANADIAN BANKERS WILL EXTEND CREDITS

[Republican A. P. Leased Wire]  
OTTAWA, Ont., Dec. 2.—Canadian bankers at a meeting today with Finance Minister White, agreed to cooperate in a plan to extend substantial credits to Great Britain to help pay shell orders placed in Canada. Since the beginning of the war Great Britain has paid Canada cash for munitions and has loaned the Dominion \$150,-

000,000 for war operations. Hereafter, until the end of the war, the process will be reversed and Canada will make loans to Britain in the form of munition payments.

It is estimated that by the end of 1915 Canada will have spent \$400,000,000 on war expenses and will have manufactured for Great Britain to the value of \$800,000,000.

While the resources of the Dominion would not enable the country to pay the entire \$1,000,000,000 expenditures, it is believed that the arrangements which will be made between the Canadian government and banks will enable a very large proportion of the expense to be absorbed within the country.

Details of the credit system for Britain which is being established in Canada will be made public within a few days. Legislation may be necessary to make the plan effective and an early session of parliament will be called to enact it. The house will meet not later than January 12.

So far Britain has placed in Canada orders for 20,000,000 shells of all sorts, which will cost \$250,000,000 and orders are on the way for \$180,000,000 more in shells. So far, Canada has sent 3,500,000 rounds of fixed ammunition for cannon.

## CARRANZA MEN AT AVIATION SCHOOL

SAN DIEGO, Dec. 2.—Twenty-five Carranza army officers will become students at a private school of aviation here, according to word received today by Raymond V. Morris, instructor. General Venustiano Carranza, it is said, is behind the proposition and has made arrangements for the men to take their courses late this month. The officers will be trained in both land and over-water flying.

## BIDS FOR SEA WALL BONDS

[Republican A. P. Leased Wire]  
SACRAMENTO, Dec. 2.—At a sale in the state treasurer's office today, bond buyers from all sections of the state indulged in spirited bidding for \$600,000 state, municipal, district and San Francisco Sea Wall bonds, with the result that a premium of \$1,000,000 was secured on the sale. This is considered by state officials a remarkable improvement in investment conditions in the state. Every issue except four sold at a premium, and the only one to go at a discount was an issue bearing 3 1/2 per cent.

The \$322,000 San Francisco Seawall bonds which bear 4 per cent interest, were bid up to a premium of \$300,000. Recently four per cent state bonds have been selling at a considerable discount.

## GREECE HAS HER DAY AT EXPOSITION

[Republican A. P. Leased Wire]  
SAN FRANCISCO, Dec. 2.—Greece, the last of the foreign nations to participate in the Panama Pacific exposition, was today the last to hold its national exercises. As a closing act, Cleanthe Vassilakos, commissioner general for Greece, in the name of King Constantine, presented all the statues in the pavilion to the city of San Francisco.

The king's gift, said the commissioner general, was in recognition of the friendship between San Francisco and the Athens of the dawn age.

The statues consists of over 200 reproductions of statues in the masterpieces of ancient Greek sculpture.

## DOESN'T KNOW THE CAUSE OF EXPLOSION

[Republican A. P. Leased Wire]  
SEATTLE, Dec. 2.—The coroner's jury which investigated the explosion in the Northwestern Improvement Company's coal mine at Ravenna, November 16, in which 31 men were killed, returned a verdict today that it was unable to determine the cause of the explosion. The verdict said that "no fault on the part of those conducting operations was shown, but that from deficient inspection and careful management, a rigid enforcement of safety and more skillful methods should be exacted of every person employed in this mine."

## CHARGED WITH WIFE MURDER

[Republican A. P. Leased Wire]  
SALT LAKE CITY, Dec. 2.—Dr. Herbert R. Marshall, of Salt Lake, was arrested at Sabalita, Kansas, today in connection with the murder of his wife here last Sunday. Marshall was found dead with a bullet in her head at their room in a hotel.

Dr. Marshall insisted that the death was accidental and asked for an inquest, which was not held as the evidence at that time indicated suicide. He left with the body for the Kansas town, where he arrived this morning. The Salt Lake police say that since Marshall left here they have discovered evidence of domestic trouble and have also discovered important discrepancies in the account he gave of the shooting.

## BERGDOLL FOUND NOT INSANE

[Republican A. P. Leased Wire]  
PHILADELPHIA, Dec. 2.—Grover Cleveland Bergdoll, the automobile racer and aviator, was declared sane and capable of handling his fortune of \$900,000 by a jury in the common pleas court today in proceedings brought by the young aviator's brother, Charles A. Bergdoll. The latter had petitioned for the appointment of a guardian for his brother's estate.

Mrs. Emma C. Bergdoll, mother of both the petitioner and his younger brother, defended the sanity of her son. Aleniste, professional automobile driver with whom Bergdoll had conspired, the warden of the county prison, where he spent a term of 90 days for breaking the speed laws, and friends and acquaintances also testified in his behalf.



## ITALY ANNOUNCES WILL ADHERE TO PACT NOT TO MAKE SEPARATE PEACE

Says Will Observe Treaty  
of London Whereby the  
Allied Powers Undertake  
Not to Conclude Separate  
Peace; Will Aid Serbia

[Republican A. P. Leased Wire]  
LONDON, Dec. 2.—Italy, through her foreign minister, Baron Sonnino, has announced her adherence to the treaty of London, whereby the allied powers undertake not to conclude a separate peace and at the same time has declared her intention of sending help to the Serbian army in the Balkans.

This news, the most important for several days, will go far to clear the situation, especially in Greece, where negotiations still are proceeding between King Constantine, his cabinet and the ministers of the quadruplet. These negotiations have been protracted owing to Greece's unwillingness to allow the allies free use of the railways and the right to police Greek waters against submarines. They are not yet completed but the latest advice indicate that they are likely to end in complete satisfaction to the entente powers. The assurance that Italy as well as Great Britain, France and Russia is to give military support to the Serbians, in their efforts to regain their lost territory, making the case for Greek assistance stronger.

Otherwise, the situation in the Balkans remains unchanged. The Serbians still hold Monastir but their position is almost hopeless, as the Bulgarians have cut communications between that city and the Greek frontier, and the Serbian troops still there must like the army of the north, retreat into Albania, when the pressure becomes too strong.

There is a report that the Russians have crossed the Rumanian border and are marching through that country to Bulgaria. This, however, lacks confirmation and such a movement is

## WAR TO END SOON

[Republican A. P. Leased Wire]  
LONDON, Dec. 2.—John Redmond, the Irish nationalist leader, in a speech at Waterford yesterday, recounted talks he had with Lord Lansdowne at the beginning of the war. "Can you guarantee me 5,000 men from Ireland? I will say thank you. If you can guarantee 12,000 I will say I am deeply obliged," Mr. Redmond added, amid rising cheers.

"It is not 5,000 or 12,000, but 100,000 that have been sent from Ireland—a perfectly amazing performance when one considers the past history of the country and how it has been drained by emigration."

"I am convinced," continued Mr. Redmond, "that so far as the western front is concerned we have got the upper hand definitely. I am also convinced that the war will come to an end sooner than most people now believe."

The specific charge against the defendants was conspiracy to deceive and defraud the United States. The maximum penalty for each indictment is two years imprisonment and \$10,000. Sentence was not imposed tonight and will be given tomorrow morning after a hearing on the formal motion to set aside the verdict and arrest judgment, which the defense is sure to offer. A date for passing sentence then will be designated.

In reaching its decision, the jury is reported to have taken only one half-hour and this after several hours of discussion of the evidence in minute detail. The jury was given the case at 2:40 o'clock this afternoon. Its foreman, George W. Palmer, announced the verdict at 10:10 o'clock tonight, seven and one-half hours later.

An appeal, it seemed certain tonight, will be made to the federal court of appeals and in case the verdict is upheld, to the supreme court of the United States. In the meantime the defendants probably will remain at liberty under \$5,000 bail each as is the present intention of the government not to

## Hundred Stand Off Three Hundred At El Tigre Camp

[Republican A. P. Leased Wire]  
DOUGLAS, Dec. 2.—Siege of the American owned mining camp at El Tigre, began late today by an estimated force of 200 Villa soldiers under General Pablo Lopez, was reported here tonight to have been abandoned after a few hours' fighting, during which the Carranza garrison of a bare hundred soldiers, forty of them recent Villa deserters, fought the attackers. Lopez sustained by the Lopez command were not stated. The Carranza troops stationed themselves in hills surrounding the town and prevented

hardly likely to occur unless Rumania gave her permission, which would be tantamount to joining the allies.

Another report credits the Russians with diverting their Bessarabian army toward Galicia, where a big offensive is to be undertaken. This, likewise, is unconfirmed.

On the other fronts, Italian, French and Russian artillery bombardments are the order of the day. The British, French and Belgian guns have been particularly active, as have the airmen in Flanders and the German positions have been given a rather severe battering. British monitors took part in these operations, suggesting that this may be the point where the next offensive will be undertaken.

There is still a good deal of talk in the neutral press about peace, based on reports from Germany of the activity of the socialists, and from Austria on dissatisfaction there with alleged German attempts to take charge of the internal administration as has been the case in military affairs.

It is considered significant that all the new Austrian ministers are men with German leanings, which is thought to mean that the German party has been successful.

## APPROVE BIG PHILADELPHIA LOAN

[Republican A. P. Leased Wire]  
PHILADELPHIA, Dec. 2.—The finance committee of city council today reported favorably an ordinance for a \$30,000,000 loan to be submitted to the voters at a special election February 8, 1916. The proposed loan includes an item of \$15,000,000 for sewers and elevated railways, \$15,000,000 for a municipal art gallery, \$2,000,000 for port development, \$25,000,000 for the Philadelphia general hospital, and \$1,000,000 for a convention hall.

A temporary loan of \$1,200,000 was also recommended.

H. W. Loomis, an American mining man who had been reported killed during the Villa invasion of Sonora, returned here Tuesday. He stated that he met Cunningham, Hendrickson and a third American, presumably Southern, Monday afternoon at El Tigre, which was occupied Monday night by the Villa forces.

The road the three Americans would have had to follow, led directly into a canyon through which a Villa detachment under General Pablo Lopez was moving north at the time.

Four additional American refugees from El Tigre reached here tonight.

(Continued on Page Six)

## Four Hamburg-American Officials Found Guilty

ask that the bond be increased. The four defendants affected by the verdict are Dr. Karl Buens, managing director of the Hamburg-American line in New York City, former German consul general here, former German minister to Mexico and German commissioner in the Venezuelan arbitration proceedings before The Hague tribunal; George Kotter, general superintendent of the line; Adolph Hachmeister, general purchasing agent; and Joseph Popovich, a former officer in the German navy and at present a second officer in the Hamburg-American line. A fifth defendant, Felix Seifert, supercargo on one of the neutral steamers sent to supply the German fleet, was not brought to trial. He was captured by the British while on his errand of relief and at present is a prisoner in a Canadian detention camp.

## LONDON DECLARATION NOT ONLY ONE DEAD

[Republican A. P. Leased Wire]  
LONDON, Dec. 2.—Thomas Gibson Bowles, an authority on maritime law, in a letter to the Times, commenting on the debate in the house of lords Wednesday on the "Declaration of London," says:

"Lord Lansdowne is still apparently unaware that other documents in-"

## FEAR TULSA MAN EXECUTED BY VILLA FORCES

John W. Cunningham and  
Two Other Americans  
Reported Captured By  
Forces Under Gen. Rod-  
riguez Near Nacozari

### LOOMIS RETURNS FROM SONORA

Reports Meeting Americans  
Whose Routs Must Have  
Led Through a Canyon  
Occupied by Lopez' De-  
tachment of Villa Soldiers

[Republican A. P. Leased Wire]  
DOUGLAS, Dec. 2.—Four were expressed that John W. Cunningham, wealthy attorney of Tulsa, Oklahoma, has been executed by Villa forces under General Jose Rodriguez, by his friends here tonight.

Carranza authorities at Agua Prieta, opposite here, making an investigation for the purpose of ascertaining whether any bodies of Americans were seen by the forces under "Colonel" V. M. Aguilar, as they marched northward from Nacozari or whether any word concerning the fate of the three Americans had been received.

Mr. Cunningham and two other Americans, Cyp Hendrickson and H. G. Southern, were reported to have been captured by forces under General Rodriguez. They were last seen Monday when they left Frontenas or the La Osa mine, fifteen miles north of Nacozari.

H. W. Loomis, an American mining man who had been reported killed during the Villa invasion of Sonora, returned here Tuesday. He stated that he met Cunningham, Hendrickson and a third American, presumably Southern, Monday afternoon at El Tigre, which was occupied Monday night by the Villa forces.

The road the three Americans would have had to follow, led directly into a canyon through which a Villa detachment under general Pablo Lopez was moving north at the time.

Four additional American refugees from El Tigre reached here tonight.

(Continued on Page Six)

The four defendants took the verdict calmly. After the jury had filed out, Dr. Buens turned to Kotter, sitting at his left, and rising, shook hands. "Auf Wiedersehen," he said, and Kotter echoed the words. Hachmeister sat silent. Poppinghaus, tall, athletic, youngest of the four, rose to his full height and smiled.

"I do not care," he said in broken English. "This is not the last word." Defendants' counsel was silent as to the verdict. Henry B. Wood, the assistant United States district attorney, who conducted the governments case, said:

"This verdict means only one thing—that the laws of the United States must be observed by citizens of all the different powers; that if our laws are violated by any one of them and the American government finds it out, they will be prosecuted."

## Hundred Stand Off Three Hundred At El Tigre Camp

the Villa soldiers from gaining a sheltered position. General Lopez retreated with his men to the westward, though it was believed that they would not hold long to that course, but probably would make a detour which will enable them to reach Chihuahua, where they have been abandoned after a few hours' fighting, during which the Carranza garrison of a bare hundred soldiers, forty of them recent Villa deserters, fought the attackers. Lopez sustained by the Lopez command were not stated. The Carranza troops stationed themselves in hills surrounding the town and prevented

the Villa soldiers from gaining a sheltered position. General Lopez retreated with his men to the westward, though it was believed that they would not hold long to that course, but probably would make a detour which will enable them to reach Chihuahua, where they have been abandoned after a few hours' fighting, during which the Carranza garrison of a bare hundred soldiers, forty of them recent Villa deserters, fought the attackers. Lopez sustained by the Lopez command were not stated. The Carranza troops stationed themselves in hills surrounding the town and prevented

the Villa soldiers from gaining a sheltered position. General Lopez retreated with his men to the westward, though it was believed that they would not hold long to that course, but probably would make a detour which will enable them to reach Chihuahua, where they have been abandoned after a few hours' fighting, during which the Carranza garrison of a bare hundred soldiers, forty of them recent Villa deserters, fought the attackers. Lopez sustained by the Lopez command were not stated. The Carranza troops stationed themselves in hills surrounding the town and prevented